



H.R. 5658 – National Defense Authorization Act for FY2009

EXECUTIVE SUMMARY

Chairman Ike Skelton (D-MO) introduced the Defense Authorization for FY2009 (H.R. 5658) on March 31, 2008. The House Committee on Armed Services approved H.R. 5658, as amended, by a vote of 61 to 0 on May 14, 2008. The bill will be considered on the floor under a structured rule on May 21-22, 2008.

H.R. 5658 would authorize funding for national defense programs in FY2009, including authorization for military operations in Iraq and Afghanistan. It also lays out the policy framework for the Pentagon for the coming year. The bill authorizes \$601.4 billion in funding for national defense programs in FY2009 – \$531.4 billion for 2009 Pentagon and Energy Department defense programs and \$70 billion to fund military operations in Iraq and Afghanistan through the beginning months of 2009.

Included in H.R. 5658 are provisions authorizing a pay increase of 3.9 percent for all military personnel before special pay or bonuses, and language blocking provisions sought by the Administration to raise \$1.2 billion by increasing fees, premiums, and drug co-payments for participants in the military's TRICARE health network.

The Ranking Member of the Armed Services Committee, Rep. Duncan Hunter (R-CA) supports H.R. 5658, as reported by the Committee, and feels that it reflects a strong and continued support for the brave men and women of the United States armed forces. However, Congressman Hunter did express serious concerns regarding cuts to missile defense, the Army's Future Combat System, and the failure to repeal the SBP-DIC offset to increase payments to military surviving children and spouses.

FLOOR SITUATION

H.R. 5658 is being considered on the floor pursuant to a two part rule.

The first part of the rule was reported on May 20, 2008 and sets the parameters for general debate. The rule:

- Provides two hours of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.
- Waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI.
- Provides that no further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The second part of the rule was reported by the rules committee on May 21, 2008 and sets the parameters for amendment debate. The structured rule:

- Provides for further consideration under a structured rule without further general debate.
- Provides that the committee amendment in the nature of a substitute recommended by the Committee on Armed Services shall be considered as an original bill for the purpose of amendment and shall be considered as read.



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- Waives all points of order against the committee amendment except those arising under clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).
- No amendments shall be in order except those amendments printed in the Rules Committee report accompanying the resolution and amendments en bloc.
- No amendments shall be in order except those amendments printed in the Rules Committee report accompanying the resolution.
- Provides that the amendments made in order may be offered only in the order printed in the report except as otherwise provided, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.
- Waives all points of order against the amendments printed in the report and amendments en bloc except those arising under clause 9 or 10 of rule XXI.
- Provides that the chairman of the Committee on Armed Services or his designee may offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designee, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.
- The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report out of the order printed, but not sooner than 30 minutes after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.
- Provides one motion to recommit with or without instructions.
- Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.
- Provides that in the engrossment of H.R. 5658, the text of H.R. 6048, as passed the House, shall be added at the end of H.R. 5658.

**Note: H.R. 6048 - To amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; was introduced by Rep. Michael Turner (R-OH) and passed the House by voice vote on May 20, 2008. ([Link to Legislative Digest for H.R. 6048](#))*

- Allows the Speaker to entertain motions to suspend the rules through the legislative day of Thursday, May 22, 2008, relating to any measure pertaining to agricultural programs.



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The bill was introduced by Representative Ike Skelton (D-MO) on March 31, 2008. The House Committee on Armed Services approved H.R. 5658, as amended, by a vote of 61 to 0 on May 14, 2008.

The bill is expected to be considered on the floor on May 21-22, 2008.

BACKGROUND

H.R. 5658 would authorize \$601.4 billion in funding for national defense programs in FY2009 – \$531.4 billion for 2009 Pentagon and Energy Department defense programs and \$70 billion to fund military operations in Iraq and Afghanistan through the beginning months of 2009.

The legislation authorizes \$10.2 billion for 2009 missile defense programs, which is about \$719 million below the level requested by the Administration. The bill authorizes \$341.2 million for the long-range missile defense system in Europe, which is more than 50 percent below the President's request.

**Note: The 2009 Defense Authorization bill passed by the Senate Armed Services Committee fully funded the President's request for developing anti-missile sites in Poland and the Czech Republic, but included similar conditions on funding.*

During Committee markup of the bill, several Republican amendments were offered, of which one was adopted. These amendments improved the bill by enhancing security clearance requirements for contractors and entities. Two amendments to restore funding for missile defense programs were rejected.

The Senate Armed Services Committee approved their version of the 2009 Defense Authorization bill (S. 3001) by a vote of 24-0 on April 30, 2008. The Senate version includes many of the same provisions as the H.R. 5658. Both versions authorize the Army to increase their number of active duty personnel to 532,400, which is 7,000 above 2008 authorized levels. The Marine Corps is authorized to add 5,000 personnel, totaling 194,000 active duty Marines.

Major differences between the House and Senate versions include funding levels for military war ships and air craft, missile defense, and future combat systems.

SUMMARY

Title I – Procurement

Authorizes appropriations for the Army:

- Aircraft: \$4,912,735,000
- Missiles: \$2,201,460,000
- Weapons and tracked combat vehicles: \$3,539,177,000
- Ammunition: \$2,294,791,000
- Other procurement: \$11,201,876,000
- Joint Improvised Explosive Device Defeat Fund: \$0

Authorizes appropriations for the Navy:

- Aircraft: \$14,627,274,000
- Weapons: \$3,575,482,000
- Shipbuilding and conversion: \$12,917,919,000
- Other procurement: \$5,461,926,000



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Authorizes appropriations for the Marine Corps: \$1,296,327,000

Authorizes appropriations for the Navy and Marine Corp ammunition: \$1,222,712,000

Authorizes appropriations for the Air Force:

- Aircraft: \$12,618,665,000
- Ammunition: \$934,478,000
- Missiles: \$5,536,728,000
- Other procurement: \$16,134,896,000

Authorizes appropriations for Defense-wide procurement: \$4,335,428,000

Authorizes appropriations for National Guard and Reserve Equipment: \$800,000,000

Army Programs

- Only seventy-five percent of funds obligated for tactical radios may be obligated until the Army submits a report detailing the Army's fielding plans and whether they are properly aligned to create the future battlefield network envisioned by the Army.
- Only twenty percent of funds obligated for the Armed Reconnaissance Helicopter may be obligated until 30 days after the Department of Defense certifies to the relevant Congressional committees that the helicopter has satisfactorily completed a Limited User Test and has been approved to enter Milestone C. (Section 114)

Navy Programs

- The bill authorizes the procurement of one Virginia-Class submarine and authorizes \$722 million in advanced procurement to enable the Navy to start procuring two VA-Class submarines FY2011.
- Requires the Secretary of Defense to report to the relevant Congressional committees on the plans for and cost of procurement of F/A-18E/F and EA-18G aircraft. The Secretary must make a recommendation regarding the authorization of a multiyear procurement contract for those aircraft.

Air Force Programs

- Restricts the Secretary of the Air Force from retiring C-5A aircraft that would reduce the inventory below 111 until forty five days after the Secretary certifies that retiring the aircraft will not significantly increase operational risk of not meeting the National Defense Strategy and evaluates the life-cycle cost of the C-17 aircraft to replace the capability of the C-5A.
- Requires the Secretary to submit a report to Congress by December 1, 2008, that includes an examination of the processes by which KC-(X) requirements were established, a justification for the use of the KC-135R as the comparative baseline for the KC-(X) competition, and an evaluation of commercial derivative aircraft in the 750,000 pounds maximum gross take-off weight to the 1 million pounds maximum gross take-off weight range as a potential aerial refueling platform.

**Note: The KC-(X) is the name of the Air Force procurement program for the next generation aerial refueling tanker aircraft. On February 29, 2008, the Air Force awarded the \$40 billion contract for 179 new tankers to Northrup Grumman and EADS.*



Title II – Research, Development, Test, and Evaluation

Authorizes appropriations of \$79.7 billion to the Department of Defense.

Future Combat Systems (FCS): The bill decreases the Army's Future Combat System by \$233 million, from the President's request. The reductions focus on long-term components of FCS. The bill also includes a requirement that future budget requests must include separate, dedicated procurement lines for five elements of the FCS program, including FCS manned ground vehicles, FCS unmanned ground vehicles, FCS unmanned aerial systems, FCS unattended ground systems, and other FCS elements.

Ballistic Missile Defense

- H.R. 5658 authorizes \$10.2 billion for missile defense programs in fiscal year 2009, which cuts \$719 million in funding from the President's request. This funding is critical for enabling our military to develop and field a robust, layered ballistic missile defense system.
- **European Missile Defense Sites:** The bill authorizes \$341.2 million for the long-range missile defense system in Europe, which is more than 50 percent below the President's request. The bill prohibits any funding for the long-range missile defense system in Europe until 1) Poland and the Czech Republic have signed and ratified the missile defense basing agreements and status of forces agreements needed for deploying the systems and 2) 45 days have passed since Congress receives the missile defense report required by the FY2008 National Defense Authorization Act (P.L. 110-181). Additionally, funds are prohibited until the Secretary of Defense certifies to Congress that the proposed missile defense system has successfully demonstrated a high probability of effectively accomplishing its mission.
- **Aegis Ballistic Missile Defense:** The bill authorizes \$1.2 billion for the Aegis Ballistic Missile Defense system, which is \$75 million more than requested by the President.
- The bill requires the Secretary of Defense to contract an independent study and assessment of concepts and systems for boost phase missile defense. The report to Congress is due by January 31, 2010.

Title III – Operation and Maintenance

Authorizes appropriations of \$154,478,408,000 to the Department of Defense for operation and maintenance.

- **Energy Issues:** The bill requires an annual report regarding operational energy demands and an evaluation of progress in implementing the operational energy strategy and meeting the goals it established. It also requires studies on the use of solar energy to provide electricity at forward operating locations and on alternatives to reduce the life cycle emissions of coal-to-liquid fuels and potential uses of coal-to-liquid fuels to meet the Department's mobility energy requirements.
- **Armed Forces Readiness Assessment:** The bill requires the Comptroller General to submit a report to Congress analyzing the readiness status of the regular and reserve components of the Armed Forces.

Title IV – Military Personnel Authorizations

Authorizes Armed Forces strengths for active duty personnel as of September 30, 2009, as follows:

- The Army, 532,400 (Increase of 7,000 from FY2008).



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- The Navy, 326,323.
- The Marine Corps, 194,000 (Increase of 5,000 from FY2008).
- The Air Force, 317,050.

The bill also sets new minimum active duty end strengths of the Armed Forces as of September 30, 2008, as follows:

- For the Army, 532,400.
- For the Navy, 326,323.
- For the Marine Corps, 194,000.
- For the Air Force, 317,050.

Subtitle B – Reserve Forces

The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve company as of September 30, 2008, as follows:

- The Army National Guard of the United States, 352,600.
- The Army Reserve, 205,000.
- The Navy Reserve, 66,700.
- The Marine Corps Reserve, 39,600.
- The Air National Guard of the United States, 106,700.
- The Air Force Reserve, 67,400.
- The Coast Guard Reserve, 10,000.

The bill authorizes the following maximum number of reserve component personnel who may be on active duty or full-time National Guard duty during the fiscal year 2009 to provide operational support:

- The Army National Guard of the United States, 17,000.
- The Army Reserve, 13,000.
- The Navy Reserve, 6,200.
- The Marine Corps Reserve, 3,000.
- The Air National Guard of the United States, 16,000.
- The Air Force Reserve, 14,000.

The bill authorizes \$124, 659,786,000 for military personnel for fiscal year 2009.

Title V – Military Personnel Policy

Reserve Component: The bill authorizes an increase in the number of active duty Marine Corps Reserve officers in the grades of majors and lieutenants.

- Increases the authorized maximum reenlistment term from six years to eight years.
- The bill authorizes the Secretary of Defense to establish programs to assist the spouse of the armed forces in attaining a degree or credential at an accredited college, university or technical school or for the educational prerequisites for professional licensure.

Title VI – Compensation and Other Personnel Benefits

- **Pay and Allowances:** HR 5658 provides a 3.9% pay raise for all members of the armed forces in 2009.



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- **Bonuses and Special and Incentive Pays:** The bill authorizes the extension of certain bonuses through December 31, 2009. This subtitle also provides for other bonuses relating to certain positions and officers.

- **Retired Pay and Survivor Benefits:** The bill does not repeal the SBP-DIC offset.

**Note: According to the Committee Republican Additional Views, "we regret and express our disappointment that the committee did not enact an amendment to increase payments to military surviving spouses and children by repealing the SBP-DIC offset or Widow's Tax. The amendment directed the chairman of the Budget Committee to use the authority in the House-passed fiscal year 2009 budget resolution to provide the mandatory and discretionary spending necessary to eliminate SBP-DIC offsets."*

- Creates a Resale Activities Review Board to make recommendations to the Secretary regarding sexually explicit material for sale or rental on military installations.
- Authorizes the Secretary of the Army to train civilians, directly or through a contractor, to recruit persons for enlistment in the Army and the Secretary would pay the individual for their recruiting.

Title VII - Health Care Provisions

TRICARE is the Department of Defense's health care program for members of the uniformed services, their families, survivors, and retirees.

- Extends the prohibitions enacted in FY2007 and extended last year on increases to **TRICARE Prime and TRICARE Standard as well as on retail pharmacy cost share increases.**

**Note: According to the Republican Views of the Committee Report, to find offsets for the \$40 million cost of this provision "the House leadership suggested a budgetary gimmick that requires military retirees to take a cut of one percent in their retired pay for a month."*

- Prohibits the transfer or conversion of jobs performed by military medical or dental personnel to civilian personnel after October 1, 2008.
- Waives copayments for preventive services for certain TRICARE beneficiaries.
- Requires the Secretary to include a smoking cessation program under TRICARE.
- Establishes a new Center of Excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries.

Title VIII – Acquisition Policy, Acquisition Management, and Related Matters

- Following a ruling by the World Trade Organization that either or both of the United States or the European Union has provided illegal subsidies to a manufacturer of large commercial aircraft, the bill requires the Secretary of the Air Force to review the impact of illegal subsidies on the source selection for the KC-45 Aerial Refueling Aircraft Program. It then requires the Secretary to determine whether an illegal subsidy impacted the source selection process for the KC-45 sufficient to bring into question the fairness of the process and to offer a remedy to compensate for the effect of any such subsidy.



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- The bill would authorize the Secretary of Defense to consider domestic industrial base impacts during source selection for a major defense acquisition program.
- The bill prohibits the Secretary of Defense from entering into certain procurement contracts with beneficiaries of foreign subsidies.
- The bill requires the Secretary of Defense to develop a standard policy aimed at preventing conflicts of interest by employees of DOD contractors that is similar to the policy for DOD civilian employees.
- The bill codifies elements of the National Industrial Security Program and requires additional measures to strengthen the ability of the Department of Defense to address industrial espionage.

Title IX – DOD Organization and Management

- Redesignates the Department of Navy as the Department of the Navy and Marine Corps.
- Requires the Secretary of Defense to establish within the National Defense University a School of Nursing by July 1, 2010. It requires that no less than 25 students with a bachelor of science in nursing graduate in the first class not later than June 30, 2012, and no less than 50 in the second class, and 100 each year thereafter.
- Not more than 90 percent of funds obligated for operations and maintenance may be used until DOD submits a report describing the development assistance activities carried out by the U.S. Southern Command during FY2008 and planned for FY2009 and certifies that the activities are effective and necessary.

Title X – General Provisions

- The bill requires separate display of budgets for Afghanistan and Iraq.
- Authorizes \$65 million during fiscal year 2009 for counter-narcotics activities and extends U.S. support to the governments of Guinea Bissau, Senegal, and Ghana. It also requires DOD to develop comprehensive counter-narcotics strategies for West Africa and MAGHREB and South and Central Asian regions.
- Requires a report on nonstrategic nuclear weapons owned or being developed by other countries. In addition, the report is required to examine the risks associated with the deployment, transfer, and storage of these weapons, as well as the potential for use by rogue states and terrorists.

Title XII – Matters Relating to Foreign Nations

- **Bans Permanent Military Installations in Iraq and U.S. Control of Iraqi Oil:** The bill extends the prohibition on the establishment of permanent military installations in Iraq and on U.S. control over oil resources in Iraq.

**Note: The House has voted more than 11 times (six of which have been signed into law) on provisions stating similar policies, including a vote on the House version of the FY2008 NDAA.*

- Requires DOD to submit a report to Congress on the **status of forces agreements** between the United States and Iraq and how those agreements protect U.S. service members and other DOD personnel, relate to any security commitments to the Government of Iraq, and impact



operations in Iraq.

- Requires DOD to develop a strategy to ensure that Provincial Reconstruction Teams in Iraq are supporting the goals of the coalition and to establish performance measures in meeting their work plans.
- Includes a sense of Congress that the command and control structure for military forces operating in Afghanistan (U.S. Forces and the NATO International Security Assistance Force) should be modified for better coordination and to achieve unity of command. It requires a report from the Secretary of Defense about the command and control structure for military forces operating in Afghanistan.
- **Sense of Congress and Congressional Briefings Regarding Iran:** Contains a sense of Congress that the U.S. Armed Forces should be returned to a state of full readiness so that they are fully prepared to execute the National Military Strategy, including the full range of contingencies that could occur in the Middle East region. In addition, it requires the Secretary of Defense to report to the congressional defense committees regarding the current and future nuclear weapons capabilities of Iran.
- Increases the amounts authorized for the Commanders' Emergency Response Program (CERP) for humanitarian and reconstruction needs in Iraq and Afghanistan to \$1.7 billion in FY2008 and \$1.5 billion in FY2009. It limits the FY2009 CERP amounts that may be obligated and expended in Iraq to twice the amount obligated by the Government of Iraq in calendar year 2008, thus encouraging the Iraqi Government to obligate more Iraqi money toward reconstruction, and allows the Secretary of Defense to waive this limitation to protect U.S. military and civilian personnel
- Includes several provisions that extend or expand DOD authorities to train and equip foreign forces so that the United States has more capable, interoperable military partners to combat terrorism and conduct stability or other military operations.
- Republicans successfully amended H.R. 5658 that would move toward limiting any foreign company improving China's satellite capability from conducting classified work for the Department of Defense.

Title XIII – Cooperative Threat Reduction

- **Cooperative Threat Reduction Program:** HR 5658 would authorize \$445 million for the Cooperative Threat Reduction (CTR) program in FY2008. CTR funding was authorized at \$415.5 million in FY2006, \$372.3 million in FY2007, and \$398 million for FY2008.

When DOD began this program in the early 1990's, it focused on assisting Russia, Ukraine, Belarus, and Kazakhstan with the safe transportation, storage, and dismantlement of nuclear weapons. The program has since evolved to include efforts to encourage transparency and support military cooperation to prevent proliferation.

The bill expands the scope of programs for which CTR funding can be used. It also authorizes \$10 million for the development of new CTR initiatives and requires DOD to submit a strategy for these initiatives.

Title XV – Funding Authority for ongoing Military Operations:



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- Provides \$2.61 billion for the procurement of **mine resistant ambush protected (MRAP)** vehicles.
- Authorizes \$2.5 billion for the **Joint Improvised Explosive Device** Defeat Fund.

Additional funding highlights (*funding in millions*):

	Procurement	RDT&E	O&M
Army	\$2,208	\$0	\$37,363
Navy & Marines	\$1,042	\$113	\$6,400
Air Force	\$6,125	\$72	\$5,000

Additional Programs of Note	Auth. Level
Iraq Security Forces Fund	\$1,000
Afghanistan Security Forces Fund	\$2,000
Military Personnel	\$1,194

Title XVI – Reconstruction and Stabilization Civilian Management

The bill grants the President and the Secretary of State the authority to increase the abilities of U.S. civilians to provide foreign countries with stabilization and reconstruction assistance in times of crises. The bill codifies the Office of the Coordinator for Reconstruction and Stabilization, which has existed since 2004 within the Department of State, which has existed since 2004.

It authorizes the establishment of a Response Readiness Corps composed of U.S. governmental personnel to assist foreign countries in times of post-crisis stabilization and reconstruction and creates a Civilian Reserve Corps made up of non-federal volunteers who are also skilled and experienced in foreign stabilization and reconstruction. These volunteers are to be deployed upon the President's determination that to do so is in the interest of U.S. national security.

**Note: This provision is identical to the Reconstruction and Stabilization Civilian Management Act of 2008 (H.R. 1084) which passed the House by voice vote on March 5, 2008.*

Title XXI-XXVII Military Construction

- **Authorizing Funding for Military Construction:** H.R. 5658 authorizes \$11.8 billion for military construction, \$9.46 billion for BRAC activities, and \$3.17 billion for family housing in FY2009.
- **Walter Reed Army Medical Hospital:** Restricts the Secretary of Defense from commencing the closure of Walter Reed or continuing with the construction at the National Naval Medical Center until the Secretary certifies to the congressional defense committees that certain conditions have been satisfied.

Title XXXI – Department of Energy National Security-related Activities

Funding Authorization: Provides authorization for \$16.2 billion for atomic energy defense activities. Specifically, this authorization includes \$9.3 billion for the National Nuclear Security Administration and \$6.9 billion for environmental and other defense activities.



AMENDMENTS

1. Rep. Ike Skelton (D-MO): Manager's Amendment (REVISED) Makes a series of technical corrections to H.R. 5658, as reported by the Committee on Armed Services on May 16, 2008.
2. Reps. Skelton (D-MO), Berman (D-CA), Lowey (D-NY): Requires the Defense Secretary, Secretary of State, and USAID Administrator to establish a standing advisory panel to improve integration matters of national security. The twelve member panel, appointed by the three agency heads, will closely look at how the three agencies collaborate on specific overseas national security issues.
3. Rep. Todd Akin (R-MO): Would increase funding for Future Combat Systems by \$193 million. The increase would be offset by: 1) a \$30 million reduction in Navy research, development, testing, and evaluation; and 2) a \$138 million reduction in DOD military personnel; and 3) \$25 million from the Defense Health Program.
4. Rep. John Spratt (D-SC): Requires the DNI, on an annual basis, to submit to Congress an update of the National Intelligence Estimate entitled "Iran: Nuclear Intentions and Capabilities" and dated November 2007. Such update may be submitted in classified form. The President shall notify Congress in writing within 15 days of determining that Iran has met or surpassed any major milestone in its nuclear weapons program or that Iran taken to accelerate, decelerate, or cease the development of any significant elements within its nuclear weapons program.
5. Rep. Adam Smith (D-WA): Would require the President to develop and submit to Congress a comprehensive interagency strategy for strategic communication and public diplomacy by December 31, 1009. It also required the President to submit a report describing the current roles and activities of the Department of Defense and State in those areas, as well as to assess and report on a key recommendation by the Defense Science Board by June 30, 2009.
6. Rep. Trent Franks (R-AZ): Would add \$719 million to the Missile Defense Agency's budget. The amendment directs the Department of Defense to utilize the \$719 million for Theatre High Altitude Area Defense (THAAD) Ageis Ballistic Missile Defense, and Tests & Targets within the Missile Defense Agency Account portfolio. The offset for the \$719 million is to be determined by the Secretary of Defense from title II of the bill (Research, Development, Test, and Evaluation).
7. Rep. Ellen Tauscher (D-CA): (REVISED) Clarifies that the Federal Advisory Committee Act (FACA) does not apply to the Congressional Commission on the Strategic Posture of the United Strategic Posture of the United States, which was established by section 1062 of the national Defense Authorization Act for FY 2008.
8. Rep. Dan Boren (D-OK): (REVISED) Would amend Sec. 526 of the Energy Independence and Security Act of 2007 to include clarifying language regarding the procurement by a federal agency of alternative or synthetic fuels. Would clarify the conditions in Sec. 526 by which DOD and other federal agencies would be allowed to enter into purchase a generally available fuel, if it is not predominantly an alternative or synthetic fuel. The amendment would also set forth a set of conditions pursuant to these changes.
9. Reps. Cummings (D-MD), Watson (D-CA): Revises section 595 of the bill (Senior Military Leadership Diversity Commission) to add two Coast Guard officers to membership of the commission.



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10. Rep. Joe Sestak (D-PA): Would provide that autistic children of members of the Armed Forces, who are enrolled in the Extended Health Care Option program, receive a minimum of \$5,000 per month of autistic therapy services.
11. Rep. Joe Sestak (D-PA): Would establish the Visiting NIH Senior Neuroscience Fellowship Program at the Defense Advanced Research Projects Agency (DARPA) and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury (DCoE).
12. Rep. Steve Buyer (R-IN): Would provide \$22.3 million for Army Reserve first term dental readiness and \$8.5 million for Army Reserve demobilization dental treatment.
13. Reps. Slaughter (D-NY), Poe (R-TX): (REVISED) Would require defense contractors supporting the missions in Iraq and Afghanistan to report violent crimes committed by or against Defense Department contract employees and require defense contractors to provide victims with medical and psychological assistance.
14. Reps. Castle (R-DE), Hinojosa (D-TX): (REVISED) Would give the secretary of a military department authority to authorize military installations to enter into partnerships with colleges, universities, and technical schools for the purposes of improving the accessibility and flexibility of college courses available to active duty service members. Such partnerships would be used to conduct outreach, develop flexible class schedules and locations, assist with academic counseling, and assess how resources may be applied more effectively to meet educational needs of service members.
15. Rep. Henry Waxman (D-CA): (REVISED) Would: 1) require agencies to enhance competition in contracting; 2) limit the use of abuse-prone contracts; 3) rebuild the federal acquisition workforce; 4) strengthen anti-fraud measures; and 5) increase transparency in federal contracting.
16. Rep. Ray LaHood (R-IL): Would allow a service member with a minor dependant (child under the age of 19) to request a deferment of a deployment to a combat zone if their spouse is currently deployed to a combat zone.
17. Rep. Lynn Woolsey (D-CA): Requires the Navy Secretary and the Interior Secretary to negotiate a memorandum of agreement to transfer the decommissioned Naval Security Group Activity, Skaggs Island, Sonoma, California, from the Navy to the U.S. Fish and Wildlife Refuge for inclusion on the National Wildlife Refuge System. It also permits the Navy and the Interior Secretary to accept donations from the State of California and other entities to cover the costs of building removal and environmental remediation. It provides that funds received may be merged with other amounts available to carry out the section and shall remain available, without appropriation, until expended.
18. Rep. Howard Berman (D-CA): Adds an additional finding to title XVI of the bill (Reconstruction and Stabilization Civilian Management) to reflect the Administration's request for stabilization activities. It also modifies the amendment to the Foreign Assistance Act made by section 1604 of the bill relating to using otherwise transferred or reprogrammed funds for stabilization or reconstruction assistance to have it apply to fiscal years 2009, 2010, and 2011 instead of fiscal years 2008, 2009, and 2010. It also increases the amount that can be used for these purposes from \$100 million to \$200 million.



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19. Rep. Jon Porter (R-NV): (REVISED) Finds that Congress and the Secretary of Defense should work to understand and identify factors related to suicide amongst our service men and women. Additionally, the Amendment strongly encourages the Secretary of Defense to conduct a study related to the mental health risk for non-combatative service members, such as Unmanned Aerial Vehicle (UAVs) Operators. Moreover, this amendment advises that Congress and the Secretary of Defense provide our military with responsible mental health services and information related to suicide prevention.
20. Rep. Shelley Moore Capito (R-WV): (REVISED) Would increase the amount provided for DOD military personnel by \$3 million, one million each for the Army Secretary, Navy Secretary, and Air Force Secretary for the funeral honors program. The increase would be offset by a \$3 million reduction to be derived from the basic research under the University Research Initiatives.
21. Rep. Jim Cooper (D-TN): Would require the Secretary of Defense to report to Congress an acquisition strategy for insurance required by the Defense Base Act.
22. Rep. Jeff Flake (R-AZ): Would prohibit any funds appropriated to carry out HR 5658 from being used for a library/lifelong learning center at Marine Corps Base Twentynine Palms, California.
23. Rep. John Tierney (D-MA): Would reduce funding for the Missile Defense Agency by \$966.2 million. It would provide \$75 million for the Cooperation Threat Reduction program, \$592 million for the nonproliferation and WMD programs of the Energy Department, \$30 million for impact aid to help local educational agencies provide support to dependents of service members, \$30 million for family support of wounded service members, \$30 million for suicide prevention programs to identify and retrain wounded service members as military health professional to treat other wounded service members. Any remaining funds would be used to fund National Guard and Reserve shortfalls, especially in connection with homeland security activities.
24. Rep. Tom Price (R-GA): (REVISED) Amends safeguards and internal controls of DOD to require appropriate inventory and property systems are updated promptly in response to expenditures charged to a purchase card related to sensitive and pilferable property. It also requires that penalties for violations of the law provide for the reimbursement of charges for unauthorized or erroneous purchases.
25. Rep. David Price (D-NC): (REVISED) Would prohibit agencies under the Department of Defense from using contractors to perform interrogations. The amendment would allow the use of contractors for interpretation.
26. Rep. Barbara Lee (D-CA): Provides that no provision in any status of forces agreement negotiated between the United States and the government of Iraq that obligates the United States to the defense of Iraq from internal or external threats shall have any legal effect unless the agreement is in the form of a treaty requiring the advice and consent of the Senate, or is specifically authorized by an Act of Congress.
27. Rep. Vito Fossella (R-NY): (REVISED) Would direct the Secretary of Defense, in consultation with the United States Postal Service, to provide postal benefits to service members serving in Iraq or Afghanistan or currently hospitalized under the care of the Armed Forces. Qualified individuals will receive one voucher for every two months their designated service member is overseas. The Department of Defense will be appropriated an amount equal to the expenses incurred by the program. The Department of Defense will transfer funds to the Postal Service in advance of each calendar quarter equal to the estimated costs that the Postal Service will incur.



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28. Rep. Jay Inslee (D-WA): (REVISED) Directs the Defense Secretary to include the effects of greenhouse gas emissions in planning, requirements development, and acquisition processes. Included is the development of a performance parameter to measure greenhouse gas emissions in acquisitions.
29. Rep. Jay Inslee (D-WA): Directs the Defense secretary to study the use of power management software at DOD facilities to reduce the amount of electricity consumed by computers, monitors, and other electronic equipment.
30. Rep. Ginny Brown-Waite (R-FL): Permits the Army Secretary to award the Army Combat Action Badge to those soldiers who served during the dates ranging from December 7, 1941 to September 18, 2001, if the Secretary determines such individuals have not been previously recognized in an appropriate manner for such participation. The Army Secretary may arrange with suppliers of the Badge so that eligible recipients may procure the Badge directly from suppliers.
31. Reps. James McGovern (D-MA)/Sanford Bishop (D-GA)/Joe Sestak (D-PA): Requires the Defense Secretary to release to the public, upon request, the names, ranks, countries of origin, and other information of students and instructors of the Western Hemisphere Institute for Security Cooperation (WHINSEC). The amendment covers fiscal years 2005-2008 and any fiscal year thereafter.
32. Reps. Rush Holt (D-NJ)/Ellen Tauscher (D-CA)/Raul Grijalva (D-AZ)/Janice Schakowsky (D-IL): (REVISED) Would require the videotaping or electronic recording of detainee interrogations in the custody of or under the effective control of the Department of Defense. Directs the Judge Advocates General of the respective military services to develop uniform guidelines for such videotaping or electronic recording, and for said guidelines to be provided by Congress.
33. Rep. Stevan Pearce (R-NM): Would amend title XXXI (DOE National Security Programs) to remove \$10 million in funding for energy conservation on military installations and increase funding for the Reliable Replacement Warhead program by \$10 million.
34. Rep. Jim McDermott (D-WA): (REVISED) Would require DOD to report to Congress on implementation of the recommendation of the report entitled, "Review of the Toxicologic and Radiologic Risks to Military Personnel from Exposure to Depleted Uranium During and After Combat." The Secretary shall expand the depleted uranium registry and identify and provide additional health monitoring for Gulf War level II personnel who had several hours of unprotected exposure to such munitions in perforated vehicles. The report shall describe the progress being made in identifying these veterans and the additional health monitoring being provided.
35. Rep. Steve King (R-IA): (REVISED) Would require the Chief of the National Guard Bureau to submit a report to Congress detailing the extent to which the various provisions enacted within title XVIII of the FY08 National Defense Authorization Act (National Guard Bureau Matters) have been effective in giving the National Guard a clearer voice in policy and budgetary discussions within the Department of Defense and assessing the adequacy of Department of Defense funding for the resource requirements of the National Guard.
36. Rep. Doris Matsui (D-CA): (REVISED) Would allow the Defense Department six months to review appeals from service members who were denied full Army College Fund benefits under Army Incentive Program contracts. It also provides that a payment under the amendment may be made without regard to any limits on total combined amounts under the Army College Fund and the Montgomery GI Bill.



37. Rep. Peter DeFazio (D-OR): (REVISED) Would require that for any Department of Defense contract for truck transportation or service using fuel, the motor carrier, broker, or freight forwarder involved in the transaction must pass any fuel surcharge on to the person responsible for paying the cost of fuel and to disclose that surcharge and other charges in writing. The amendment also directs the Department of Defense to prescribe regulations for the enforcement of this provision, including any necessary penalties or sanctions.
38. Rep. Michael Turner (R-OH): Would require a report from the Secretary of Defense within 45 days after the date of enactment on laboratory personnel demonstration projects.
39. Rep. Bart Stupak (D-MI): Would extend eligibility for military disability retired pay to individuals who left enlisted service in order to attend a military academy between January 1, 2000, and October 28, 2004, and who suffered a disabling injury while attending the academy.
40. Reps. Rosa DeLauro (D-CT)/Joe Courtney (D-CT): Requires the Defense Secretary to conduct a demonstration project to assess the feasibility and efficacy of providing a face to face post-deployment mental health screening between a member of the Armed Forces and a mental health provider. The project shall be developed by the Defense Secretary in conjunction with the VA Secretary and HHS Secretary. The Defense Secretary may coordinate with any accredited college, university, hospital-based or community-based mental health center the Secretary deems appropriate.
41. Rep. Terry Everett (R-AL): Would expand existing authority for professional military education institutions of the Army, Navy, Air Force, and Marine Corps to award degrees to graduates of their schools. The amendment also would establish congressional notification requirements for the establishment, modification, redesignation, or termination of any new or existing degree programs. It prohibits the awarding of a degree unless the Education Secretary has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies and the curriculum leading to the degree is accredited by the appropriate civilian agency or organization (as determined by the Secretary of Education).
42. Rep. Janice Schakowsky (D-IL): (REVISED) Would require the Secretary of Defense to revise the regulations issued pursuant to section 862 of the Fiscal Year 2008 National Defense Authorization Act (contractors performing private security functions in areas of combat operations) to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations. It also requires the Defense Secretary, in coordination with other agency heads, to review the performance of private security contractors to ensure compliance with the amendment.
43. Rep. Adam Schiff (D-CA): (REVISED) Would require the Defense Secretary to study methods to verifiably reduce the likelihood of accidental nuclear launch by any nation. The Secretary must report to Congress on the results of the study within 6 months
44. Rep. Earl Blumenauer (D-OR): (REVISED) Would require the Defense Secretary to establish a program to research and develop unexploded ordnance detection technology and facilitate the deployment of this technology in the field. The Secretary may carry out the program via grants or other financial arrangements with states, private companies, academic institutions, or other nongovernmental entities
45. Rep. Madeleine Bordallo(D-GU): (REVISED) Would permit the Transportation Secretary, acting through the Maritime Administration, to establish a Port of Guam Improvement Enterprise



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Program to provide for the planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities. It also establishes in the United States Treasury a separate account known as the Port of Guam Improvement Enterprise Fund to carry out the program. It permits funds in the account to be deposited and transferred to the Administrator. Provides that nothing in the section shall authorize amounts made available under 23 U.S.C. sec. 215 or other funds for highway improvements not eligible for making port improvements to be deposited into the Fund.

46. Rep. Gwen Moore (D-WI): (REVISED) Would require the Comptroller General to review, and report to Congress within one year on, the DOD's implementation of the recommendations of the Department of Defense Task Force on Mental Health to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families.
47. Rep. Solomon Ortiz (D-TX): (REVISED) Would require a report be submitted to the congressional defense committees by the Secretary of the Navy not later than 120 days after enactment of the act on future jet carrier training requirements. The report shall assess the Navy's plan concerning jet carrier training requirements; assess studies conducted by independent organizations concerning jet carrier trainer requirements; and include a cost-benefit analysis between a new start program or modernization of the existing platform.
48. Reps. Patrick Kennedy (D-RI)/Carol Shea-Porter (D-NH): (REVISED) Requires the Secretary of Defense to conduct a demonstration project to assess the feasibility of providing a behavioral health care provider locator and appointment assistance service for members of the reserve components of the Armed Forces seeking treatment for depression, PTSD, substance abuse problems, and other mental illnesses. The demonstration program would include a toll-free hotline that would be available 24 hours a day 7 days a week to help reservists find behavioral health care providers and schedule outpatient appointments within the TRICARE network.
49. Rep. Steve Israel (D-NY): Requires the Secretary of Defense to report to Congress on DOD's policies regarding the sale and disposal of used motor vehicle oil, including policies to require closed loop recycling of used oil as a means of reducing total indirect energy usage and greenhouse gas emissions. The Secretary shall implement such policies whenever feasible.
50. Rep. Steve Israel (D-NY): (REVISED) Would create a joint DOD/Department of State program for the purpose of hiring Iraqis (who support U.S. efforts in Iraq and who have resettled in the U.S.) as translators, interpreters, and cultural awareness instructors for various agencies of the federal government. It also requires the Defense Secretary and the Secretary of State to work with NGO's and refugee coordinators of the State Department to ensure Iraqis resettled in the U.S. are informed of the program
51. Reps. Allyson Schwartz (D-PA)/Rep. Patrick Murphy (D-PA): (REVISED) Would prevent the future use of the airfield at NASJRB Willow Grove, Pennsylvania, for commercial passenger operation; commercial cargo operations; commercial, business, or nongovernment aircraft operations not related to mission of the installation; and as a reliever airport to relieve congestion at other airports.
52. Rep. Sanford Bishop (D-GA): Would provide 180 days of transitional health care to those service members who separate honorably from active duty and agree to serve in the Guard of Selected Reserve at no charge to the service member. It would offset the cost by cutting \$22 million from the Missile Defense Agency.



53. Rep. Bruce Braley (D-IA): (REVISED) Requires the President to submit a report to Congress on the long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom within 90 days of enactment. The amendment directs the estimate to be based on certain scenarios; make projections through at least Fiscal Year 2068; and take into account and specify various factors, including operational costs reconstruction costs, and the cost of providing health care and disability benefits.
54. Rep. Christopher Carney (D-PA): (REVISED) Would express the sense of Congress that each military department should, to the maximum extent practicable, provide honor guard details for the funerals of veterans.
55. Reps. Brad Ellsworth (D-IN)/Rahm Emanuel (D-IL): Would revise the Federal Acquisition Regulation by requiring each contract awarded by the Department of Defense to contain a clause prohibiting the contractor from performing the contract using a subsidiary or subcontractor that is a foreign shell company if the foreign shell company will perform the work of the contract or subcontract using United States citizens or permanent residents of the United States. A foreign shell company is an entity that is incorporated outside the United States or Canada and does not manage, direct, or exercise operational control over personnel performing work under a contract of the entity.
56. Reps. Paul Hodes (D-NH)/Peter DeFazio (D-OR)/Rosa DeLauro (D-CT): (REVISED) Provides that no funds authorized in the bill may be used for propaganda purposes, and directs the DOD Inspector General and GAO to report on whether or not the defense analysts program violated propaganda provisions of Department of Defense appropriations bills for Fiscal Years 2002 through 2008.
57. Reps. John Yarmuth (D-KY)/Ron Klein (D-FL) Would make it the policy of the United States that any Status of Forces Agreement (SOFA) negotiated between the U.S. and Iraq include measures requiring the Iraqi Government to provide financial or other types of support for U.S. Armed Forces stationed in Iraq.
58. Reps. Bill Foster (D-IL)/Adam Schiff (D-CA): (REVISED) Amends title XXXI of the bill (DOE National Security Programs) to require the Administrator for Nuclear Security to establish a fellowship program for PH.D. candidates in nuclear chemistry. The amendment would support research and development of our nation's nuclear forensics capability, call for the enhancement and linkage of international nuclear material databases to enable prompt data access, establish a joint independent Nuclear Forensics Advisory Panel or recognized experts and require the President to report to Congress on Cabinet-level participation in nuclear terrorism preparedness exercise that include nuclear forensics analysis.

COST

According to the Congressional Budget Office, "CBO estimates that appropriation of the authorized amounts would result in additional outlays of \$596 billion over the 2008-2013 period. Including outlays from funds previously appropriated, spending for defense programs authorized by the bill would total about \$600 billion in 2009, CBO estimates. That figure, however, excludes outlays from the likely enactment of supplemental appropriations for 2008 that are not authorized by the bill. Including the effects of those additional supplemental appropriations for 2008 now being considered by the Congress, spending in 2009 would total more than \$630 billion. ([CBO Cost Estimate](#))

MOTION TO RECOMMIT



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Please find the Republican Motion to Recommit for H.R. 5658 [here](#).

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